IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4059 of 2007()

CP.111/2007 of J.M.F.C., ADOOR
(CRIME NO.130/07 OF PANDALAM POLICE STATION)

: PETITIONER/ACCUSED

PONNAMMA, W/O. VASU,
SURYALAYAM HOUSE, (KUZHIYIL HOUSE),
PUZHIKKATTU MURI, PANDALAM.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV. SRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

B.A.No. 4059 Of 2007

= = = = = = = = = = = = = = =

Dated this the 5th day of July, 2007

ORDER

Application for anticipatory bail. Petitioner faces indictment for an offence punishable under the Kerala Abkari Act. She was found to be in possession of 1 litre of arrack on 04.03.2007. The petitioner was not arrested in the course of investigation and the investigation is now complete. Final report has already been filed. Cognizance has been taken. Committal proceedings has been registered by the learned Magistrate. The petitioner apprehends that she may be arrested and her application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously.

2. It is certainly for the petitioner to appear before the learned Magistrate and seek regular bail. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. The petitioner can certainly rely on the dictum in **Sukumari v. State of Kerala** [2001(1) K.L.T 22] . Needless to say, the learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously.

3. In the result, this petition is dismissed. I may however, hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE